

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Gerry Ruff-El,	:	
	:	
Plaintiff	:	Civil Action 2:12-cv-00383
	:	
v.	:	Judge Smith
	:	
Capital Recovery Systems, Inc.,	:	Magistrate Judge Abel
	:	
Defendant	:	

Order

This matter is before the Court on defendant's motion to dismiss plaintiff's complaint for failure to prosecute (doc. 22) and plaintiff Gerry Ruff-EL's April 15, 2013 motion to strike defendant's motion to dismiss for failure to prosecute, motion for summary judgment, and motion to set motions for hearing (doc. 23).

Defendant maintain that plaintiff is no longer prosecuting this action and that he has simply ignored defendant's discovery requests despite several attempts from defendant's counsel to obtain the discovery. On January 14, 2013, defendant a motion to compel plaintiff to respond to defendant's discovery request. Plaintiff failed to file a response to the motion. On March 1, 2013, the Court ordered plaintiff to provide discovery response within 14 days. Plaintiff failed to comply with the Court's Order, and defendant still has not received plaintiff's discovery responses.

On June 18, 2013, Magistrate Judge Abel filed an order for plaintiff to show cause why this action should not be dismissed for his failure to provide discovery and his

failure to comply with the court's March 1, 2013 order that he provide the discovery within 14 days. Plaintiff failed to respond to the June 18, 2013 order to show cause.

Accordingly, this action is hereby **DISMISSED** for want of prosecution. Rule 41(b), Fed. R. Civ. P. *See, Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962). S.D. Ohio Civil Rule 55.1(c).

s/ George C. Smith
George C. Smith
United States District Judge